

ASYLUM PRINCIPLES

Statement for Churches
Working on Asylum Issues

Editor: David Deeks
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FOREWORD

The increasingly negative tone of the current debate on asylum in Britain and Ireland demands a statement of principles from the Churches. People seeking asylum in these islands are frequently subjected, as a consequence, to racist attitudes and various forms of structural discrimination. Economic, political and demographic factors can also add to the degrading treatment they receive. The Churches have a mission to support people seeking asylum, often destitute, traumatized by their experience, and almost always living in fear. That duty becomes even more important when people are demonized and treated with hostility in the very place where they seek peace and safety.

The need for the Churches Together in Britain and Ireland (CTBI) to develop a Statement of Principles on asylum has been emphasized by member Churches who stressed the importance of speaking out with a common and prophetic voice in the highly charged asylum debate.

This ecumenical Statement of Principles draws on statements made by Churches in the past. It is offered for use by all member Churches and Bodies in Association of CTBI, particularly those involved in advocacy or in related debates concerning people seeking asylum at all levels among the four nations. The Statement is shaped by experience within the United Kingdom and recognizes

that the situation in the Republic of Ireland is related but distinct. These Principles will need to be applied in the light of the policies and implementation processes current there.

We offer these principles with the hope that churches, church agencies, and all who use this publication would find support and solidarity for their work on asylum issues. The principles are intended to address both policy development and the practical efforts made by so many to welcome truly the stranger.

ACKNOWLEDGEMENTS

This Statement of Principles has been produced as a result of the vision and determination of the staff of Churches' Commission for Racial Justice (CCRJ), whose work on asylum and migration issues was central to the identification of the need for a set of agreed principles. The observations, insight and energy invested by the Asylum Policy Working Group, appointed by the CTBI Church Representatives' Meeting to develop these ideas, were crucial to the development of this document. We express grateful thanks to this group.

We are also indebted to the Roundtable, brought together in the final stages, for its timely and careful analysis of issues relating to the requirements of the Churches. It is recognized that without this input and some awareness of the complexities surrounding the asylum process in Britain and Ireland, this Statement of Principles could not have progressed to completion. We express grateful thanks to each participant.¹

We are especially grateful to the Revd David Deeks, General Secretary of the Methodist Church for his incisive editorial eye, and to the Churches in England, Ireland, Scotland, and Wales, whose representatives constructively contributed to the process. We are also indebted to the Chairs: the Revd Myra Blyth, Moderator of CCRJ, and the Revd Dr Nicholas Sagovsky, Canon Theologian of

Westminster Abbey, for so ably guiding the debates and discussions to secure conclusions.

We are indebted to the individuals who provided the initial papers: the Revd Dr Anthony Harvey, former Canon Theologian of Westminster Abbey, Father Raphael Armour of the Greek Orthodox Church, Mr Simon Bell, formerly Adviser to the Archbishop's Council and CMEAC, Mr Don Flynn, Joint Council of the Welfare of Immigrants, and the Revd Arlington Trotman, CCRJ. These early contributions ultimately provided the basis for discussion, and enabled the Working Group and Roundtable to anchor their work in the current debates about asylum-seeking in these islands.

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¹ See Appendix 2.

INTRODUCTION

The development of an adequate asylum system in the United Kingdom has profoundly exercised and continues to occupy the government of the United Kingdom. Over the past ten years, four different pieces of legislation in this area have been implemented. Revealing ongoing uncertainty about asylum in the post-911 climate, this also points up the international trading, human rights and security conditions that produce increased people movement. The consistent theme of all these legislative measures is the ‘deterrent’ factor. The government has imposed increasingly prohibitive border controls and built-in processes, leading in many respects to a denial of access to due process and the asylum procedure. These circumstances have helped to concentrate the work of churches and church agencies, which now require informed and prophetic responses to the harsh reality of asylum seeking in Britain and Ireland.

While restrictive public policy approaches have been designed to deter asylum seeking, and, latterly, to prohibit exploitation by those engaged in people trafficking and smuggling, they have also put at risk the safety and security of both the many seeking to enter and those who are already involved in the asylum process. This includes asylum claimants, often detained for prolonged periods of time in prison or prison-like conditions, people made destitute at the beginning or end of the asylum procedure, and those suddenly taken

from their dwellings or from the street and immediately deported to unsafe regimes. These processes all increase the possibility of further trauma and personal destabilization. The situation has been exacerbated by the implementation of severe cuts in the levels of Legal Aid for asylum cases, and the implementation of fast tracking for some others. Both these procedures have led to a lack of access to proper procedure in the first place, and can render the concept of a just outcome of an asylum case untenable.

Often it is not just one issue but many that combine to create the need for people to seek safety, security and freedom from fear or threat to their lives. People fleeing persecution, physical or mental abuse or death threats do not normally have a choice. The circumstances produced by civil and international war or the mere threat of military conflict negatively impact poor people in southern countries and trigger asylum seeking. People, however, have a fundamental right to seek safety; protected and legitimized under the United Nations Convention on the Status of Refugees and its 1967 Protocol. People fleeing terrible conditions almost always take great risks and frequently lose their lives as a result. It is these conditions and realities that often lead to the demonization of people seeking asylum in these islands and that are of concern to the Christian Churches.

Churches have sought to do justice by defending the defenceless in these situations, lobbying for equitable policies and providing practical support; but rapid changes in public policy on asylum, e.g. the 1996, 1999, 2002, and 2004 Asylum and Immigration Acts, have created differentials in approaches on many issues. Churches have found it necessary, therefore, to develop a common agreed position; this is contained here in the CTBI publication *Asylum Principles*.

The guide aims to to strengthen the responses of individual denominations and agencies while addressing the needs of asylum applicants.

Asylum Principles is based upon the belief that all people are created equal in humanity and dignity, and are made in the image of God. Christians are called to respect the worth of every human being regardless of nationality, ethnicity, culture, colour, sexual orientation, age, gender, disability, social status or religion and belief. Moreover, whilst Christians accept their obligations as citizens, they also recognize their duty to support those who are dehumanized by the asylum process. It is incumbent upon the Christian Churches, therefore, to continue to support those seeking asylum, especially those who are sick, alone and ‘imprisoned’.

Asylum Principles is designed to help Churches individually and collectively to formulate their responses to public policy and its impact upon people who seek asylum and refuge. It also aims to create a framework for the Churches’ Commission for Racial Justice (CCRJ) to carry forward its work. CCRJ commends this work to the churches, practitioners, activists, policy makers, and those who provide practical support in welcoming and assisting people seeking refuge in these islands.

NOTE TO THE CHURCHES

This Statement of Principles is designed to

- help Churches individually and collectively to formulate their responses to public policy and its impact upon people who seek asylum and refugees;
- create a framework for the Churches' Commission for Racial Justice (CCRJ) to carry forward its work.

1. CORE PRINCIPLES

1.1 Christians believe that all people are created equal in dignity, made in the image of God. Therefore, we affirm respect for the worth of every human being regardless of nationality, ethnicity, culture, colour, sexual orientation, age, gender, disability, social status or religion and belief. We recognize that governments have a primary responsibility for their own citizens but basic human rights should not be denied to any persons coming to these islands on the grounds that they are not, or are not yet, fully accepted as citizens.

1.2 As Christians, we fully accept our obligations as citizens of the countries in which we live but we also recognize that our lives are a pilgrimage in which we have no abiding city and that our 'true citizenship' is in heaven. We therefore do not attribute absolute value to the rights and privileges of nationality and citizenship. We recognize that these, like other worldly goods, are given to us not solely for our personal enjoyment but for sharing with others when they are in need.

1.3 Christians affirm the obligation to offer hospitality to people whose lives have been dislocated – such as those seeking asylum and those seeking reunification with their families. All those who face discrimination should be treated with compassion and justice. People fleeing persecution have a special claim on us to help them

make good their claim for asylum and to find safety, peace and well-being.

1.4 Christian belief in a personal God sets good relationships as the foundation of community cohesion. It follows that it is in the interest of wider society to reunite members of divided families wherever possible.

1.5 With the knowledge of scripture, history, and the Churches' own experience, Christians affirm that people moving from one part of the world to another contribute their gifts and valuable qualities such as courage and perseverance to the country where they come to live.

2. ASYLUM AND MIGRATION

2.1 Asylum and immigration are themes that are assumed to be synonymous in everyday parlance. However, they are separate, though related, issues.

2.2 *Asylum*. The right to asylum is defined in the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol relating to the Recognition of Refugees. The focus is on people who flee their country of origin because of persecution or a well-founded fear of persecution. They become *people seeking asylum* when they apply for asylum in another country. The Geneva Convention gives them the right to seek asylum in a country which has signed the Convention, to have a fair legal procedure to determine their status and to be provided with adequate welfare support while their claim is being processed. Once a claim has been registered by the authorities and is being processed, a person seeking asylum cannot be 'illegally' in the country where they have sought asylum.

2.3 A country which accepts the asylum claim recognizes that such a person is a *refugee* and grants them leave to remain. Refugees have permission to live and work in the country where they have been granted asylum. They are also entitled to family reunion with their nearest relatives. After a stated period they can apply for citizenship in that country.

2.4 The UK government has discretion to provide temporary protection to people to whom it cannot give refugee status. This is 'Humanitarian Protection and Discretionary Leave', which allows a person to stay for a period of three years and after this time may be extended or made permanent on application. It does not entail the right of family reunion.

2.5 If a claim from a person seeking asylum is refused, the government returns the person concerned to his or her home country if and when safe passage can be arranged. In reality, this provision is immensely complex to apply: sometimes, for example, the government judges that for a particular individual there is no well-founded fear of persecution in the country of origin, but also judges that it is unsafe to return the person seeking asylum there; sometimes the procedures for locating, documenting and removing the person prove to be convoluted and extremely difficult to apply with dignity and humanity.

2.6 *Migration* is a much wider concept than asylum. It refers to the movement of people within a country or from one country to another for a wide variety of reasons. Some of the drivers for migration are closely related to the experience of persecution or the fear of it, which is the exclusive focus of asylum seeking and refugee status. For example, there are areas of the world embroiled in war or civil conflict from which people need to flee to safety or peace. There are parts of the world which are ravaged by famine or natural disaster, by tyrannical political regimes, by brutal exploitation or desperate poverty, any of which environments might cause people to migrate.

In other instances, people deciding that they would be able to improve their circumstances, practise their skills to greater effect or make a new start in life by settling in a different country trigger migration. The pressures and opportunities of the global economy may well play a significant role in such decisions.

2.7 Every nation state has the right to exercise control over the movement of people across its borders and the duty to ensure that the asylum process is not abused. Each state develops an *immigration policy* to clarify issues including: those who may be encouraged to come to a receiving country; those who may enter on request (in what numbers and on what terms); how to manage disputes at the borders and points of entry and how to deal with those who enter without documentation or illegally.



3. THE CHURCHES AND ASYLUM

3.1 The Churches have focused their work on asylum in the following ways:

3.1.1 Practical support for people seeking asylum enabling refugees and their families in local communities to meet both emergency needs and the challenges of settling into life in a different society;

3.1.2 Standing alongside people seeking asylum as they struggle to work through the administrative systems and appeal procedures relating to refugee status or providing advocacy on their behalf when justice appears not to have been done;

3.1.3 Confronting the misconceptions and misinformation in society about people seeking asylum and refugees, often aggravated by irresponsible journalism or extremist political groups;

3.1.4 Engaging with government on policy issues relating to the management of asylum and related concerns, pressing the government to adhere to international obligations on asylum;

3.1.5 Supporting those who make or implement asylum policy as they seek to act fairly and compassionately and, in accordance with the law, to serve the common good.

3.2 In the light of this experience, the remainder of this report sets out a list of principles which reflect the commitment of the Churches and may be used as a yardstick against which to measure all public policy making and administration. It is followed by a list of current issues regarding asylum that Christians would like to see addressed.

3.3 Principles:

3.3.1 That the principles of the Geneva Convention and its Protocol should be applied in full to applications for asylum and not be amended or used selectively in the light of other criteria (e.g. target outcomes or capacity to contribute to the economy).

3.3.2 That people seeking asylum should have a right to a single transparent asylum procedure in which adequate legal representation is provided and a high standard of translation and interpretation is upheld.

3.3.3 That people seeking asylum should not be stigmatized. They should enjoy the same level of protection from prejudice and discrimination as all others in society expect.

3.3.4 That people seeking asylum should be protected against hate crimes and should have full access to judicial procedures where such crimes have been committed against them.

3.3.5 That people seeking asylum ought not to be compelled to apply for asylum in the 'first country of asylum' in order to be considered for refugee status.

3.3.6 That the applications of people seeking asylum should be considered promptly, with just and impartial judicial procedures which maintain a high standard of scrutiny.

3.3.7 That people seeking asylum should have a right to appeal against a decision if there is reason to believe that the quality of decision-making or procedural management has undermined their rights or jeopardized their application.

3.3.8 That it is wrong to detain people seeking asylum in prisons and that the holding of people seeking asylum in detention centres should be minimized. This action should be open to legal review and in humane conditions, not under prison regimes.

3.3.9 That children should not be detained and that families should be kept together and accommodated in the wider community.

3.3.10 That people seeking asylum should not be disbelieved or regarded as making inauthentic claims unless and until the state can conclusively demonstrate otherwise.

3.3.11 That people seeking asylum should have ready access to welfare, health care, shelter and food, and educational opportunities and the freedom to seek employment when asylum claims cannot be processed speedily.

3.3.12 That people seeking asylum have the same responsibilities under the law to the state in which they have applied for asylum as anyone else within that jurisdiction.

3.4 Current issues - what Christians would like to see:

3.4.1 HM Government to reinstate effective appeal rights, removing the constriction of legal arguments and the impediments to resources, which have characterized changes to the appeals function during 2004/2005 and are projected for 2005/2006.

3.4.2 People whose claims for asylum have been refused for just reasons to be treated humanely and with due care for their welfare whilst in the country where their application for asylum has been rejected; and since people whose applications have been turned down are legally in the country until they have been removed, they are not to be criminalized.

3.4.3 Removals to be placed under public scrutiny with full access to independent legal review and the continuance of an appeal function.

3.4.4 Measures to be in place to encourage people seeking asylum and refugees to become integrated into their local community as rapidly as possible and in a way that is appropriate to their skill and state of well-being whether directly through government funding and action or by government resourcing of the voluntary sector.

3.4.5 The government to return to their country of origin people whose claim to asylum has been refused only in the light of an independent risk assessment.

3.4.6 The government to address asylum issues in a manner that does not aggravate the increasing levels of prejudice and racist attacks against members of settled minority ethnic communities and people seeking asylum.

3.4.7 The institutional racism which is embedded in the ethos and practices of services dealing with people seeking asylum to be confronted and addressed.

3.4.8 The Churches to foster a wider debate focused on alternative ways of implementing and managing asylum policy, which would ensure operational independence and consistency.



4. APPENDIX 1

OTHER USEFUL PUBLICATIONS ON THE ISSUE OF ASYLUM:

Anthon Harvey, Fr Raphael Armour, *Asylum Reflections*, Theological Reflection on Asylum and Migration Issues, (CTBI, London: 2006).

Dr Andrew Bradstock, Revd Arlington Trotman, ed., *Asylum Voices*, Experiences of people seeking asylum in the United Kingdom, (Church House Publishing and CTBI, London: 2003).

Arlington Trotman, ed., *Sanctuary*: Guidelines for Churches offering asylum protection (Churches Together in Britain and Ireland, London: 2005).

Church of England, *A Place of Refuge* - a positive approach to asylum seekers and refugees in the UK (Church House Publishing, London: 2005)

The Catholic Bishops' Conference of England and Wales, Office for Refugee Policy, *The Dispossessed*, (Catholic Communications, London: 2005).



APPENDIX 2

ROUNDTABLE PARTICIPANTS

Member Churches and Specialists

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